

UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

ELMER DAVENPORT, <i>et al.</i> ,	:	CIVIL NO: 1:09-CV-01694
	:	
Plaintiffs	:	
	:	(Judge Conner)
v.	:	
	:	(Magistrate Judge Smyser)
CAPTAIN D. KNEAL, <i>et al.</i> ,	:	
	:	
Defendants	:	

**REPORT AND RECOMMENDATION**

On August 31, 2009, the plaintiffs, four state prisoners proceeding *pro se*, commenced this 42 U.S.C. § 1983 action by filing a complaint. Only one of the plaintiffs - Stanley William - filed an application to proceed *in forma pauperis* and an authorization form to have the filing fee deducted from his prison account in installments.

By an Administrative Order filed on September 2, 2009, the Clerk of Court directed each of the other three plaintiffs to file an *in forma pauperis* form and authorization form within thirty days. The Administrative Order warned the plaintiffs that those plaintiffs who do not complete and return the required forms will be dismissed from the case.

Two of the plaintiffs - Elmer Davenport and George Betrand - complied with the Administrative Order and filed the required forms. By a separate order, we have granted the applications to proceed *in forma pauperis* of plaintiffs Davenport and Betrand.

Plaintiff Eddie Dickens has not filed the required *in forma pauperis* forms. Accordingly, we will recommend that plaintiff Dickens be dismissed from this case. We will also recommend that defendants Hendrik and Metzinger be dismissed from this case as they were named as defendants only in connection with the claims by plaintiff Dickens.

Mail sent from the court to plaintiff Stanley William has been returned to the Clerk of Court with notations on the envelope indicating that William has been paroled and that his mail is unable to be forwarded.

Local Rule 83.18, Rules of Court, M.D. Pa., requires a *pro se* litigant to maintain his or her current address with the Clerk of Court. Plaintiff William has failed to inform the court of his current address.

Although plaintiff William initially filed the proper *in forma pauperis* forms, by a separate order we have denied his application to proceed *in forma pauperis* as moot. We will recommend that plaintiff William be dismissed from this action because he has failed to keep the court informed of his current address and, therefore, it appears that he has abandoned this lawsuit. We will further recommend that defendants Hannon, Stotler, Allen, Eidem, Dulina, Walter, Springer and Wagner be dismissed from this case as they were named as defendants only in connection with the claims by plaintiff William.

Based on the foregoing, it is recommended that plaintiffs Eddie Dickens and Stanley William be dismissed from this case, that defendants Hendrik, Metzinger, Hannon, Stotler, Allen, Eidem, Dulina, Walter, Springer and Wagner be dismissed from this case and that the case be remanded to the undersigned for further proceedings.

**/s/ J. Andrew Smyser**

J. Andrew Smyser  
Magistrate Judge

Dated: October 20, 2009.